

Memorandum 98-4

Environmental Law Consolidation: General Principles

At its December 1997 meeting, the Commission instructed the staff to prepare the following materials:

- (1) A discussion of the principles to be applied in determining whether a particular body of law should be included in the consolidated Environmental Code.
- (2) An annotated draft outline of the Environmental Code, with enough detail to guide the Commission in determining whether the materials proposed for inclusion in the Environmental Code should, in fact, be included.
- (3) A checklist of the factors that must be considered when incorporating particular bodies of law into the Environmental Code.

These materials will assist the Commission in the process of consolidating environmental laws, and will communicate to the public the basis on which the Commission will proceed. The annotated outline is attached.

We have received a letter from the Attorney General, expressing his serious concerns about the creation of an Environmental Code. This letter is attached as an exhibit. The concerns he expresses are similar to those raised by Department of Justice staff and others and discussed at the December 1997 meeting. The Commission should take these views into account as it determines the scope of this project.

ORGANIZING PRINCIPLES

General Principles

In general, the Environmental Code should be the repository for all statutes that are predominantly concerned with environmental matters. However, an environmental statute should not be included if the benefit of relocating the statute into the new code is outweighed by the disadvantage of removing it from its present location. These principles are discussed more fully below.

Defining “Environmental Concerns”

It is not possible to establish a bright line rule as to which concerns are “environmental” and which are not. The concepts underlying the idea of the environment are too elastic. The best that can be done is to articulate a set of criteria that describe the majority of what are generally accepted to be environmental matters. These criteria can then be used as a starting point in considering those statutes that raise difficult line drawing problems.

At the most general level, environmental concerns can be divided into two categories: conservation of natural resources and protection of public health.

Conservation of natural resources. Conservation of natural resources is clearly a matter of environmental concern. However, the scope of what is meant by “conservation of natural resources” requires some clarification:

- As used in this context, “conservation” means any regulation or management of a natural resource that is intended to preserve the resource for future use or to mitigate the effect of use of the resource on other natural resources. So, for example, the regulation of timber harvest practices addresses both kinds of conservation concerns — preservation of timber stock for future use, and mitigation of the deleterious effects of timber extraction on wildlife, soil, and water resources.
- A resource is “natural” if it is of non-human origin. Thus, a wildlife preserve is natural, a museum is not. The problem is determining how much human intervention in a resource will undermine its status as “natural.” Old-growth forest is clearly natural, but what about timberlands that have been cut and replanted?
- A “resource” is a thing of value to humans. This includes things with consumptive value (such as coal) as well as things with nonconsumptive value. Nonconsumptive values include scenic enjoyment, recreational access, and fulfillment of the desire to preserve wild lands and wildlife, regardless of whether they are of any other use to humans.

Laws relating to the conservation of natural resources form a substantial part of the following divisions of the proposed Environmental Code: Division 3 (Water Resources), Division 8 (Land Use and Conservation), Division 9 (Coastal, Estuary, and Riparian Management), Division 10 (Wildlife), Division 11 (Resource Development and Protection), and Division 12 (Parks, Wilderness, and Public Lands).

Protection of public health. Public health protection is the other principal concern of environmental regulation. However, the concept of public health protection is very broad and includes matters that would not generally be considered environmental (e.g., communicable disease control, drug and alcohol controls, food and drug purity standards, etc.). It is therefore necessary to distinguish those health threats that are environmental from those that are not. There is no single rule that can be used to draw this distinction, but the staff has identified three categories that seem to capture most of what are understood as environmental threats to public health:

- Threats involving contamination of air, water, or soil. This includes the most common categories of pollution (vehicular and nonvehicular air pollution, discharge of hazardous material into waterways, oil spills, leaking storage tanks, etc.).
- Threats involving exposure to waste material. This includes exposure to hazardous waste, medical waste, radioactive waste, sewage, and garbage.
- Threats involving exposure to hazardous materials or radiation.

Laws relating to public health protection form a substantial part of the following divisions of the proposed Environmental Code: Division 2 (Air Quality), Division 3 (Water Resources), Division 4 (Toxic and Hazardous Substances), Division 5 (Pesticides), Division 6 (Radiation), Division 7 (Solid and Hazardous Waste), and Division 13 (Noise Pollution).

When Do Environmental Concerns Predominate?

The creation of the Environmental Code will involve the relocation of segments of statutory material ranging in size from individual articles to full divisions. In evaluating whether to relocate these segments, it is necessary to determine the degree to which they address environmental concerns. A segment in which environmental concerns predominate should probably be included in the Environmental Code, while a segment that only incidentally involves environmental concerns should probably not be included.

The problem is determining how to define the scope of a segment for evaluation of its environmental content. For example, Division 5 of the Public Resources Code (beginning with Section 5001) includes a broad range of provisions relating to parks and monuments. See Annotated Outline, pp. 24-26. Taken as a whole, it is arguable that environmental concerns predominate in this division, because of the number of provisions relating to the acquisition and

maintenance of relatively undeveloped open space for scenic and recreational use. However, if the division is broken up into its constituent chapters, the results are quite different. Environmental concerns predominate in some chapters (see, e.g., Chapter 1.3, providing for the designation of wilderness areas). In other chapters environmental concerns are incidental or nonexistent (see, e.g., Chapter 2.6, regulating disabled access to public playground equipment). Other chapters present a mixture of environmental and nonenvironmental concerns — should these chapters then be divided into their constituent articles for separate evaluation? At some point, such fragmentation is too disruptive of existing organizational integrity.

Practical Consequences of Relocation

Even where a body of law is clearly environmental, it may not make sense, as a practical matter, to move it to the Environmental Code. For example, many provisions relating to environmental fees and penalties are located in the Revenue and Taxation Code. Moving those provisions to the Environmental Code would increase the utility of the Environmental Code as a comprehensive compilation of environmental statutes but would detract from the completeness of the Revenue and Taxation Code.

The converse is also true. If a well integrated scheme of environmental law is moved into the Environmental Code, it should probably be moved in its entirety, even if it contains parts that are not predominantly concerned with environmental matters.

ANNOTATED OUTLINE

The staff has prepared an annotated outline of the Environmental Code, which contains comments summarizing the contents of each of the outline's components. These summaries are not intended to be exhaustive, but to provide enough detail to place a component in its larger context, and to evaluate, on a preliminary basis, whether the component should be included in the Environmental Code.

Specific Organizational Questions

In developing the organizing principles and the annotated outline, certain issues arose regarding the contents of the Environmental Code. These questions are discussed below.

Flood control. Division 5 of the Water Code (beginning with Section 8000) governs flood control projects. See Annotated Outline at p. 6. The purpose of such projects is to protect life and property from the effects of flooding — not to conserve natural resources or protect public health from environmental threats. Thus, it isn't clear that this division belongs in the Environmental Code. On the other hand, flood control projects often have a substantial effect on the use of water resources, and on riparian habitat and wildlife. What's more, it may make sense to include flood control provisions in the Environmental Code, if only to preserve the existing integration of water-related provisions.

Public lands. As discussed above, Division 5 of the Public Resources Code (beginning with Section 5001) contains a number of chapters relating to parks and monuments. Many of these address cultural resources that do not seem to be of environmental concern. For example, Chapter 2 relates to city and county monuments, museums, historical property, art galleries, theatrical schools, parks, and boulevards. Other chapters are more difficult to characterize. For example, Chapters 1 and 1.2 establish the state park system, which includes a mixture of open space parks as well as historical markers and structures. The Commission will need to decide which portions of the Parks and Monuments division should be included in the Environmental Code and which should not.

An alternative would be to exclude all provisions relating to public lands from the Environmental Code and limit the Environmental Code to provisions that regulate conduct for environmental reasons. Public land provisions could instead be aggregated in the Public Resources Code (where many of them already reside). This would substantially reduce the size of the Environmental Code, as it would exclude parts of Divisions 9 (Coastal, Estuary, and Riparian Management) and 10 (Wildlife), and would entirely exclude Division 12 (Parks, Wilderness, and Public Lands).

Workplace hazards and indoor air pollution. The current outline contains some provisions relating to workplace exposure to hazardous materials (exposure to asbestos and lead, see Health and Safety Code Sections 25910-25919.7, 105185-105197), but does not include others (see, e.g., workplace use of hazardous materials and carcinogens, Labor Code Sections 6360-6399.9, 9000-9061). The exclusion of these Labor Code provisions from the Environmental Code may make sense because it preserves the integrity of the existing occupational health and safety scheme, despite the fact that these provisions fit our definition of laws

concerning environmental matters (protection of public health from exposure to hazardous materials).

Alternatively, we may wish to adjust our definition of environmental threats to public health to exclude workplace hazards generally. Such a distinction could be based on the idea that the health threat to employees who work with hazardous materials is more voluntary, localized, and controllable than the threat that attends an unauthorized release of hazardous materials. Such workplace threats might be better managed through the Labor Code's existing workplace safety provisions. If this approach is taken, the asbestos and lead provisions would be excluded from the Environmental Code.

Another alternative would be to exclude all provisions relating to indoor environmental hazards (including the provisions discussed above and the indoor air pollution and residential lead paint exposure provisions). The space inside buildings is probably not understood by most people as being part of the natural environment. Regulation of indoor hazards might be better characterized as a general occupational and public health concern, appropriately addressed in the Labor and Public Health Codes.

METHODOLOGY

The Commission instructed the staff to prepare a checklist of the steps to be followed when moving any statute into the Environmental Code:

- Determine whether the move will substantially disrupt the integrity of an existing statutory scheme.
- Preserve existing numbering schemes to the extent practicable.
- Allow sufficient space for future expansion.
- Make conforming changes to existing statutory cross-references to the section.
- Note the move in the source and disposition tables (showing the relationships between the old and new numbering).
- Make sure that the move has no effect on agency authority relating to the section (including implementation, enforcement, and rulemaking authority).
- Make sure that the move does not affect the applicability of definitions.
- Make sure that the move does not affect federal delegation of regulatory authority.

- Note any special legislative requirements (e.g., two-thirds vote required to amend initiative).

Respectfully submitted,

Brian Hebert
Staff Counsel



State of California
Office of the Attorney General

Daniel E. Lungren
Attorney General

January 2, 1998

Law Revision Commission
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California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, California 94303-4739

Dear Commission Members:

Thank you for this opportunity to offer my views on the Legislature's request that the Commission study whether California's environmental and natural resources statutes should be reorganized. I understand that the Commission is primarily considering whether to place many of these statutes into a new "Environmental Code." As you will see, I have serious concerns about this project: the need to reorganize these statutes is not apparent, and such reorganization will entail significant costs.

It is questionable whether a new Environmental Code would make statutes more accessible. The Commission's consultants have estimated that a complete code could require as many as 12 volumes. A code would therefore have to be either extremely large, and therefore not particularly accessible, or handy but very incomplete.

Moreover, the typical users of California's codes are attorneys. Attorneys increasingly utilize electronic research tools for locating statutes whether or not they are in a consolidated code. Attorneys also generally use practice books when researching a particular environmental area. This is often essential, since most environmental and natural resource issues involve both state and federal law, as well as extensive case law. The benefits of consolidating statutes into an Environmental Code thus appear to be minimal, at best.

As for costs, reorganization will impose both short-term and long-term costs on the private sector, on the courts, and on state and local government attorneys. Experienced practitioners are familiar with the current location of, and citation for many of these statutes. Changing their location and citation will, therefore, create confusion during a transitional period. Although this cost will fade as practitioners learn the new system, it will be a very real short-term cost.

Reorganization will also generate a long-term cost due to the need to cross-reference predecessor statutes. There is currently an extensive body of law interpreting environmental statutes. If those statutes are renumbered and relocated, courts and practitioners will need to cross-reference the earlier statutes to indicate the application of pre-change judicial decisions or legislative history to renumbered/relocated statutes. This cost will be incurred for the foreseeable future.

Moreover, although the Commission has indicated that it does not intend to alter environmental policies, reorganization will likely result in inadvertent policy changes. Merely placing a statute in an Environmental Code, for example, can increase the weight given to the environmental protection aspects of a statute. Although this may be a good policy choice in a particular situation, it should not be done inadvertently. Eliminating "obsolete" or "duplicative" statutes, or removing perceived "inconsistencies" between statutes, are even more likely to result in unintentional policy changes. While my office has been extremely impressed by the quality and thoroughness of the Commission's work and the work of its staff, the reality is that a project of this magnitude will almost inevitably lead to inadvertent changes that will likely generate unproductive litigation.

Finally, it should be noted that a similar project was recently undertaken by the Governor's Blue Ribbon Unified Environmental Statute Commission, comprised of 25 distinguished environmental lawyers. The Commission was asked to re-codify existing environmental statutes into a unified environmental statute. The Commission considered a variety of options for the unification of these statutes. Although the Commission was charged with studying the desirability of unifying environmental statutes, it did not recommend the type of reorganization currently under consideration by the Law Revision Commission.

On balance, therefore, I must tell you that I see little benefit and significant costs from this project. I hope you will consider these views in your deliberations.

Sincerely,



DANIEL E. LUNGREN
Attorney General

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CALIFORNIA ENVIRONMENTAL CODE**

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The annotations in this outline summarize the outline’s various components. These summaries are not intended to be exhaustive, but to provide enough detail to place a component in a larger context, and to evaluate, on a preliminary basis, whether a component should be included in a consolidated Environmental Code.

DIVISION 1. GENERAL

1. General Provisions for Environmental and Natural Resource Agencies

Gov’t Code, Title 2, Div. 3, Part 2.5, Ch. 1, §§ 12805, 12807-12807.6 (Resources Agency)
 These sections establish the Resources Agency and specify certain of its powers.

Gov’t Code, Title 2, Part 2.5, Ch. 1, §§ 12812-12812.5; Health & Safety Code, Div. 37, §§ 57000-57005, Div. 38, §§ 58000-58018, Div. 39, §§ 59000-59019 (Environmental Protection Agency)

These sections establish the Environmental Protection Agency, specify some of its powers, and impose certain operational requirements. Note that Division 38 creates the Department of Toxic Substance Control, and may be better located in Division 4 (Toxic and Hazardous Substances).

2. Certification

The following sections provide for the certification and registration of individuals employed in “environmental” professions. It is unclear whether it is better to aggregate such sections here or distribute them throughout the code, in proximity to the substantive law relating to the professions.

Health & Safety Code, Div. 20, Ch. 6.98, §§ 25570-25570.4 (environmental assessors)

Health & Safety Code, Div. 104, Part 1, Ch. 4, Art. 1, §§ 106600-106735 (environmental health specialists)

Health & Safety Code, Div. 104, Part 1, Ch. 4, Art. 2, §§ 106750-106865 (radon specialists)

Health & Safety Code, Div. 104, Part 1, Ch. 4, Art. 3, §§ 106875-106910 (water treatment plant operators)

Health & Safety Code, Div. 104, Part 1, Ch. 4, Art. 5, §§ 106950-107110 (radiological technologists)

Health & Safety Code, Div. 104, Part 1, Ch. 4, Art. 6, §§ 107115-107175 (nuclear medicine technology)

3. Consolidated Permit Procedures and Data Reporting

Pub. Res. Code, Div. 34, §§ 71000-71068

Part 1 of this division creates a consolidated permitting procedure for projects and facilities that require environmental permits from more than one agency. Part 2 provides for the development of a single, electronic system for reporting environmental data to regulatory agencies.

4. Environmental Quality Study Panel

Gov't Code, Title 2, Div. 3, Part 14, §§ 16000-16081

This part established the State Environmental Quality Study Council, charged with studying the protection of environmental quality within the state. It appears that the Council ceased to exist pursuant to Section 16054.

5. California Environmental Quality Act

Pub. Res. Code, Div. 13, §§ 21000-21177

This division requires an agency to prepare an Environmental Impact Report (EIR) whenever a proposed project may have a significant environmental impact. In general, an agency may not approve a project that has significant adverse effects unless the agency requires alternatives or mitigation measures to lessen those effects or finds that mitigation is infeasible.

DIVISION 2. AIR QUALITY

1. General Provisions and Definitions

Health & Safety Code, Div. 26, Part 1, §§ 39000-39153

This part includes provisions that are generally applicable to the "Air Resources" division of the Health and Safety Code. These include statements of legislative findings and intent, definitions, and special enforcement procedures for "minor violations."

2. State Air Resources Board

Health & Safety Code, Div. 26, Part 2, §§ 39500-39905

This part establishes the State Air Resources Board, with responsibility for vehicular air pollution, state implementation of the federal Clean Air Act, coordination and partial funding of local air pollution control district activity, regulation of toxic air contaminants, and the development of standards to protect public health and the environment from the adverse effects of acid rain.

3. Air Pollution Control Districts

Health & Safety Code, Div. 26, Part 3, §§ 40000-41267

This part establishes local air pollution control districts, with primary responsibility for regulation of nonvehicular air pollution.

4. Nonvehicular Air Pollution Control

Health & Safety Code, Div. 26, Part 4, §§ 41500-42708

This part governs the regulation of nonvehicular air pollution by local air pollution control districts, covering such topics as the role of the State Air Resources Board, emissions limitations, permitting, fees, and enforcement.

5. Vehicular Air Pollution Control

Health & Safety Code, Div. 26, Part 5, §§ 43000-44251

This part governs the regulation of vehicular air pollution by the State Air Resources Board, covering such topics as emissions standards for new and used vehicles, standards for fuel use and storage, inspection and maintenance programs, fees, and enforcement.

6. Air Toxics "Hot Spots" Information and Assessment Act

Health & Safety Code, Div. 26, Part 6, §§ 44300-44394

This part provides for the assessment of the public health risks associated with the release of toxic substances into the air from individual facilities. Identification of significant risks at a facility triggers audit and emission control requirements.

7. Commercial Space Programs

Health & Safety Code, Div. 26, Part 8, §§ 44400-44404

This part provides special rules for the regulation of air pollutants at commercial facilities relating to the manufacture, assembly, or launch of space vehicles or satellites.

8. Halogenated Refrigerants and Chlorofluorocarbons

Health & Safety Code, Div. 26, Part 9, §§ 44470-44474

This part provides for the phase out of the use of CFCs in vehicle air conditioners.

Health & Safety Code, Div. 104, Part 15, Ch. 6, §§ 119150-119160

This chapter prohibits the use of CFCs in aerosol products.

9. Indoor Air Pollution

Health & Safety Code, Div. 103, Part 5, Ch. 7, §§ 105400-105430 (nonindustrial buildings)

This chapter provides for regulation of air quality within nonindustrial buildings, with an emphasis on volatile organic compounds and radon.

Health & Safety Code, Div. 104, Part 15, Ch. 4, §§ 118875-118950 (tobacco smoke)

This chapter provides for regulation of tobacco smoke within health facilities, restaurants, and publicly-owned buildings.

DIVISION 3. WATER RESOURCES

1. General Provisions

Water Code §§ 1-25

These sections consist of general provisions applicable to the entire Water Code.

2. General State Powers over Water

Water Code, Div. 1, §§ 100-530

This division includes elements of California's water use policy and provisions establishing the structure, powers, and responsibilities of the Department of Water Resources, the California Water Commission, and the State Water Resources Control Board.

3. Water Rights and Water Compacts

Civ. Code, Div. 2, Part 4, Title 8, §§ 1410a-1422 (appropriation)

This title provides for acquisition of water rights through appropriation.

Water Code, Div. 2, §§ 1000-5975 (administration of water rights)

This division constitutes the bulk of statutory law governing the administration of water rights, including the regulation of water appropriation, adjudicative determination of water rights, and the distribution of water within watermaster service areas. The division also includes regional water distribution and use agreements governing the certain Oregon-California and California-Nevada interstate water systems.

Gov't Code, Title 2, Ch. 2, § 8100-8101 (California-Nevada water project compact)

These sections authorize the Governor to execute a compact with Nevada regarding the taxation by Nevada of California state property within Nevada that is associated with the Boulder Canyon project.

Gov't Code, Title 2, Ch. 2.6, §§ 8130-8140 (California-Nevada water use compact)

This chapter creates the California-Nevada Interstate Compact Commission with responsibility for negotiating a compact regarding the distribution and use of water from Lake Tahoe and the Truckee, Carson, and Walker Rivers. [Note: It appears that the Commission was abolished pursuant to Section 8140. It also appears that the Compact was never ratified by Congress and therefore never became effective].

4. Dams and Reservoirs

Water Code, Div. 3, §§ 6000-6501 (construction and operation)

This division provides for regulation, by the Department of Water Resources, of the construction and operation of dams and reservoirs.

Fish & Game Code, Div. 6, Part 1, Ch. 3, §§ 5900-6100 (obstacles to fish)

This chapter provides for regulation, by the Department of Fish and Game, of obstructions to the movement of fish and possible deleterious movement of fish through conduits. Note that Articles 1 and 2 regulate the obstruction of fish by dams and clearly belong in this division. Articles 3 and 4, on the other hand, regulate the installation of screens on conduits used to divert water out of streams in order to prevent the movement of fish into these conduits. These articles are not directly related to dams or reservoirs and may be more appropriate elsewhere in this division or in Section 7 (Fish, Amphibians, Shellfish, and Aquatic Plants) of Division 10 (Wildlife Protection).

Health & Safety Code, Div. 104, Part 10, Art. 2, Ch. 5, §§ 115875-115915 (recreational use of reservoirs)

This article provides for recreational use of reservoir waters, as consistent with the protection of public health.

5. Water Distribution Systems

Water Code, Div. 4, §§ 7000-7075

This division regulates the use of wells, pumping plants, conduits, and streams. Note that Section 7048 addresses the use of urban creek restoration as a means of flood control and may be more appropriately located in the next division.

6. Flood Control

Water Code, Div. 5, Part 1, §§ 8000-8165 (local projects)

This part includes provisions authorizing and governing flood control projects by cities and counties.

Water Code, Div. 5, Part 2, §§ 8200-8457 (state projects)

This part relates to state flood control responsibilities and powers. It authorizes the appropriation and expenditure of funds to construct and maintain flood control improvements, such as levees, and overflow channels. It provides for the development of flood plain management plans and regulations.

Water Code, Div. 5, Part 3, §§ 8500-8504 (Sacramento and San Joaquin Drainage District)

This part creates the Sacramento and San Joaquin Drainage District, a public entity with the power to acquire and manage property for the purposes of flood control.

Water Code, Div. 5, Part 4, §§ 8520-9048 (Reclamation Board)

This part governs the organization, powers, responsibilities and jurisdiction of the Reclamation Board, a public entity with the power to acquire, construct, maintain, operate, and regulate flood control works within the Sacramento and San Joaquin Drainage District.

Water Code, Div. 5, Part 5, §§ 9250-9577 (finances)

This part governs the financing of the Reclamation Board's activities.

7. Conservation and Development of State Water Resources

Water Code, Div. 6, §§ 10000-12995

This division includes a number of parts governing the development, use, and conservation of the state's water resources. Examples include the development of planning documents (Parts 1 and 1.5), provisions governing the Central Valley hydroelectric and water distribution project (Part 3) and special protections for the Sacramento-San Joaquin Delta area (Part 4.5).

8. Water Quality

Water Code, Div. 7, §§ 13000-14076 (Porter-Cologne Water Quality Control Act)

This division assigns primary responsibility for regulation of water quality and implementation of the Federal Water Pollution Control Act to the State Water Resources Control Board. It establishes nine Regional Water Quality Control Boards with responsibility for establishing and enforcing water quality standards within their respective regions.

Fish & Game Code, Div. 6, Part 1, Ch. 2, Art. 1, §§ 5650-5656 (discharge into waterways)

This article prohibits the deposit of identified pollutants or any substance deleterious to fish, plant, or bird life into the waters of the state, restricts suction dredging, and authorizes the Department of Fish and Game to cleanup, or order the cleanup of any petroleum product spilled in or near the waters of the state.

Fish & Game Code, Div. 6, Part 1, Ch. 2, Art. 3 §§ 5800-5803 (mining restrictions)

This article prohibits certain mining operations that would affect water quality within the Trinity and Klamath River Fish and Game District.

Pub. Res. Code, Div. 3.5, Ch. 3, §§ 3960-3968 (placer mining restrictions)

This chapter regulates placer mining operations in order to prevent the discharge of pollutants into domestic water supplies or the Sacramento or San Joaquin rivers.

Harb. & Nav. Code, Div. 1.5, §§ 90-153 (navigable waterways)

This division prohibits the obstruction or pollution of the navigable waterways of the state.

Harb. & Nav. Code, Div. 2, Ch. 3, §§ 293-294 (liability)

Section 293 establishes the absolute liability of an owner or operator of a vessel engaged in the transportation, transfer or storage of hazardous substances, for damages resulting from a discharge of hazardous substance into the navigable waters of the state. Section 294 establishes the absolute liability of any person responsible for natural gas, oil, drilling waste, or exploration, for damages resulting from the discharge of natural gas, oil or drilling waste into marine waters.

Health & Safety Code, Div. 104, Part 9.5, §§ 115700-115720 (abandoned excavations)

This part includes a prohibition against the maintenance of an abandoned excavation that constitutes a migration path for pollutants, thereby threatening water quality. While this is clearly a water quality protection provision, the part also provides for the regulation of more mundane hazards posed by abandoned excavations, such as falling. It may make sense to separate the provisions of this part.

Health & Safety Code, Div. 104, Part 13, Ch. 4, Arts. 2-4, §§ 117475-117525 (garbage and radioactive waste)

Article 2 prohibits the discharge of garbage into navigable waters or marine waters within twenty miles of California's coast. The article also provides for regulation, by the Department of Public Health, of the deposit of radioactive materials into marine waters more than twenty miles off shore. Article 3

9. Drinking Water

Health & Safety Code, Div. 104, Part 12, §§ 116275-117130

This part provides for regulation, by the Department of Health Services, of drinking water quality and the operation of drinking water systems. The Department must establish a Safe Drinking Water Plan, set drinking water quality standards, and is primarily responsible for monitoring and enforcement of the standards and other requirements. The part also includes provisions protecting public water supplies.

10. Protection of Water Supplies

Water Code, Div. 24, §§ 78500-78702

This division provides for the sale of bonds to provide funding for a broad range of projects relating to the preservation of water resources, including water conservation and recycling, watershed protection, ecosystem restoration, etc.

DIVISION 4. TOXIC AND HAZARDOUS SUBSTANCES

1. Safe Drinking Water and Toxic Enforcement Act of 1986

Health & Safety Code, Div. 20, Ch. 6.6, §§ 25249.5-25249.13

Adopted as Proposition 65 in 1986, this chapter prohibits the discharge of carcinogens and reproductive toxicants into sources of drinking water and requires that business provide a clear and reasonable warning before knowingly and intentionally exposing a person to a chemical known by the state to cause cancer or reproductive toxicity. It may be appropriate to move the drinking water protection provisions to Division 3.

2. Unified Agency Review of Hazardous Materials Release Sites

Health & Safety Code, Div. 20, Ch. 6.65, §§ 25260-25268

This chapter provides for the assignment of a single agency to administer all applicable laws relating to remediation at a particular hazardous materials release site.

3. Oversight Costs

Health & Safety Code, Div. 20, Ch. 6.66, §§ 25269-25269.9

This chapter regulates the accounting and collection of costs associated with an agency's oversight of the remediation of hazardous material release sites.

4. Aboveground Storage of Petroleum

Health & Safety Code, Div. 20, Ch. 6.67, §§ 25270-25270.13

This chapter provides for inspection and monitoring of aboveground petroleum storage tanks and establishes a trust fund to fund its implementation and pay for spill cleanup.

5. Underground Storage of Hazardous Substances

Health & Safety Code, Div. 20, Ch. 6.7, §§ 25280-25299.7

This chapter establishes requirements relating to underground storage tank (UST) design and operation, provides for permitting, inspection, and monitoring of USTs by local agencies, and authorizes local agency cleanup of releases of hazardous materials from USTs.

6. Petroleum Underground Storage Tank Cleanup

Health & Safety Code, Div. 20, Ch. 6.75, §§ 25299.10-25299.66

This chapter contains provisions relating to the cleanup of unauthorized releases of hazardous materials from USTs. Article 3 requires owners and operators to establish and maintain financial responsibility for cleanup costs and damages relating to an unauthorized release. Article 4 requires an owner or operator to take corrective action after certain unauthorized releases, and authorizes Regional Water Quality Control Boards and, in some cases, local agencies, to take corrective action if an owner or operator does not. Article 6 establishes the Underground Storage Tank Cleanup Fund, to be used in recovering UST program costs, and, in some cases, to reimburse owners and operators for the costs of corrective action after an unauthorized release.

7. Hazardous Substances Account Act

Health & Safety Code, Div. 20, Ch. 6.8, §§ 25300-25395.15

This chapter establishes the Hazardous Substances Account to fund certain governmental activities relating to hazardous substance releases, and to compensate individuals for certain losses related to hazardous substance releases. The chapter also authorizes the Department of Toxic Substances Control to oversee and undertake responses to hazardous substances releases.

8. Expedited Remedial Action Reform Act

Health & Safety Code, Div. 20, Ch. 6.85 §§ 25396-25399.2

This chapter establishes a pilot program for expedited remedial action at selected hazardous substance release sites.

9. Liability for Abatement of Hazards

Health & Safety Code, Div. 20, Ch. 6.9, §§ 25400

This chapter provides qualified immunity to certain public entities and employees for actions taken to abate perceived public health hazards relating to a hazardous substance release.

10. Unified Hazardous Waste and Hazardous Materials Management

Health & Safety Code, Div. 20, Ch. 6.11, §§ 25404-25404.6

This chapter requires Cal-EPA to develop a program consolidating the administration of a number of hazardous material and hazardous waste programs.

11. Local Agency Hazardous Materials Regulation

Health & Safety Code, Div. 20, Ch. 6.12, §§ 25405

This chapter specifies certain procedures a city or county must follow in order to adopt or amend an ordinance relating to “acutely hazardous material.”

12. Hazardous Materials Data

Health & Safety Code, Div. 20, Ch. 6.91, §§ 25410-25417.1

This chapter authorizes the Department of Toxic Substances Control to undertake epidemiological studies, in certain circumstances, to identify health risks resulting from exposure to hazardous materials.

13. Landfill Gas

Health & Safety Code, Div. 20, Ch. 6.92, §§ 25420-25422

This chapter regulates the hazardous material content of landfill gas that is sold commercially.

14. Hazardous Materials Release Response Plans and Inventory

Health & Safety Code, Div. 20, Ch. 6.95, §§ 25500-25547.2

This chapter requires businesses and public agencies to prepare hazardous material inventories, prepare emergency response plans, and adopt risk management and prevention programs; and requires the development of area-wide emergency response plans by specified public agencies (often cities or counties).

15. Hazardous Materials Liability of Lenders and Fiduciaries

Health & Safety Code, Div. 20, Ch. 6.96, §§ 25548-25548.7

This chapter limits the liability of lenders and fiduciaries in relation to the release of hazardous materials.

16. Hazardous Materials Information and Consulting Services

Health & Safety Code, Div. 20, Ch. 6.97, §§ 25550-25553

This chapter authorizes counties to develop information and consulting services to assist businesses that are subject to regulation under hazardous materials laws.

17. Asbestos Use and Removal

Health & Safety Code, Div. 20, Ch. 10.3, §§ 25910-25913 (asbestos spraying)

This chapter regulates the spraying of materials containing asbestos.

Health & Safety Code, Div. 20, Ch. 10.35, §§ 25914-25914.3 (asbestos removal)

This chapter governs contracts for the removal of asbestos and other hazardous materials.

Health & Safety Code, Div. 20, Ch. 10.4, §§ 25915-25919.7 (presence in buildings)

This chapter requires the owner of a building built before 1979 to notify employees, co-owners, and tenants of the presence of asbestos in the building.

Health & Safety Code, Div. 20, Ch. 10.6, §§ 25925-25929 (study)

This chapter creates an interdepartmental task force to assess and report the magnitude of asbestos-related health threats in public buildings.

18. Lead Exposure

Health & Safety Code, Div. 103, Part 5, Ch. 2, Art. 2, §§ 105185-105197 (occupational exposure)

This article establishes a program to investigate cases of occupational lead poisoning. [Note: Section 105197 appears to inadvertently duplicate Section 105250.]

Health & Safety Code, Div. 103, Part 5, Ch. 4, §105250 (residential exposure)

This chapter establishes a program to satisfy certain federal requirements relating to residential lead-based paint hazards.

Health & Safety Code, Div. 103, Part 5, Ch. 5, §§ 105275-105310 (childhood lead poisoning)

This chapter authorizes the Department of Health Services to establish standards for evaluating childhood lead poisoning, and to regulate and monitor identified cases of childhood lead poisoning.

19. Repair or Maintenance Projects

Health & Safety Code, Div. 37.5, §§ 57050-57053.9

This division establishes a consolidated and streamlined permitting process for repair and maintenance projects where the failure to repair or maintain a facility or structure poses a threat to public health, safety, or the environment.

20. Elder Pipeline Safety Act

Gov't Code, Title 5, Div. 1, Part 1, Ch. 5.5, §§ 51010-51019.1

This chapter establishes the State Fire Marshall's exclusive regulatory authority over intrastate pipelines carrying hazardous liquids, and authorizes the State Fire Marshall to implement the federal Hazardous Liquid Pipeline Safety Act.

21. Oil Spill Prevention and Response

Gov't Code, Title 2, Div. 1, Ch. 7, Art. 3.5, §§ 8574.1-8574.23 (preparedness)

This article provides for contingency planning and training for oil spills, toxic disasters and hazardous substance emergencies.

Gov't Code, Title 2, Div. 1, Ch. 7.4, §§ 8670.1-8670.72 (administrator)

This chapter provides for the appointment of an Administrator for Oil Spill Response (in the Department of Fish and Game), with responsibility for the development of a program to minimize the risk of oil spills in marine waters and to coordinate the state's response to any oil spills that do occur.

Pub. Res. Code, Div. 7.8, §§ 8750-8760 (marine facilities)

This division provides for regulation, by the Administrator for Oil Spill Response and the State Lands Commission, of marine facilities (other than vessels) involved in oil exploration, processing, or transfer.

22. Highway Transportation and Highway Spill Containment

Veh. Code, Div. 2, Ch. 2, Art. 4, §§ 2450-2454 (response authority)

This article requires the California Highway Patrol to act as information, assistance, and notification coordinator for hazardous material spills on highways, and specifies which agency will have responsibility for coordinating the response to specific incidents.

Veh. Code, Div. 2, Ch. 2.5, Arts. 4-5, §§ 2531-2549 (licensing)

These articles govern the California Highway Patrol Commissioner's authority to deny, suspend, or revoke licenses to transport hazardous materials on public highways.

Veh. Code, Div. 14.1, §§ 32000-32053 (highway transportation of hazardous materials)

This division regulates the transportation of hazardous materials on public highways. Chapter 1 requires the licensing of hazardous materials carriers. Chapter 2 requires advance notification of routes to be followed.

Veh. Code, Div. 14.3, §§ 32100-32109 (special transportation restrictions)

This division establishes special requirements for the transportation of gases that are poisonous, or pose inhalation hazards.

Veh. Code, Div. 14.5, §§ 33000-33002 (highway transportation of radioactive material)

This division establishes special requirements for the transportation of hazardous radioactive materials. These provisions might be better located in Division 6 (Radiation).

Veh. Code, Div. 14.7, §§ 34000-34100 (authority of Highway Patrol Commissioner)

This division authorizes the California Highway Patrol Commissioner to regulate the transportation of hazardous waste, and flammable and combustible liquids, on public highways.

DIVISION 5. PESTICIDES

1. Pest Control Operations

Food & Agric. Code, Div. 6, §§ 11401-12258

This division provides for regulation, by the Department of Pesticide Regulation and by counties, of pest control operations. Regulation includes licensing, registration, and reporting requirements governing pest control operators and pesticide dealers. In addition, the department may order any person to cease and desist from in appropriate pest control practices.

2. Agricultural Chemicals

Food & Agric. Code, Div. 7, Chs. 1-3.6, §§ 12500-14155

These chapters provides for pesticide residue regulation, pesticide registration and labeling requirements, worker exposure standards, measures aimed at limiting pesticide contamination of groundwater, the study of pesticide contribution to birth defects, regulation of access to particularly hazardous pesticides, and controls on pesticides determined to be air contaminants.

3. Pesticide Poisoning

Health & Safety Code, Div. 103, Part 5, Ch. 3, §§ 105200-105225

This chapter requires doctors to report suspected pesticide poisoning cases, authorizes epidemiological studies where there appears to be an outbreak of pesticide poisoning illness, and requires public employees to report known or suspected pesticide spills.

4. Structural Pest Control

Bus. & Prof. Code, Div. 3, Ch. 14, §§8500-8698.6 (regulation of operators)

This chapter regulates structural pest control operators. It establishes certain operational requirements, requires licensing, and subjects operators to the disciplinary authority of the Structural Pest Control Board.

Food & Agric. Code, Div. 7, Ch. 7, §§ 15201-15206.6 (regulatory authority)

This chapter establishes the regulatory authority of county commissioners and the Department of Food and Agriculture, in conjunction with the Structural Pest Control Board, over structural pest control operations.

5. Beekeepers

Food & Agric. Code, Div. 13, Ch. 1, Arts. 6-7, §§ 29080-29103

These articles provide for advance notice to beekeepers of scheduled pesticide applications in their area. It may also be appropriate to include Food and Agricultural Code Sections 29047-29048 which establish causes of action for damages resulting from an application of pesticides affecting bees.

6. Pest Spray Reports

Health and Safety Code, Div. 101, Part 1, Ch. 3, Art. 9, § 100575

This article requires that agricultural pest control operators file a monthly activity report with the agricultural commissioner of each county the person has operated in during the reporting period.

DIVISION 6. RADIATION

1. Radiation Protection Act

Health & Safety Code, Div. 104, Part 9, Ch. 4, §§ 114650-114685

This chapter provides for the development, by the Office of Emergency Services and the Department of Health Services, of an integrated emergency planning program to protect public health and safety in the event of a serious nuclear powerplant accident.

2. Containment of Radioactive Materials

Health & Safety Code, Div. 104, Part 9, Ch. 5, §§ 114705-114835

This chapter provides for regulation of the disposal of radioactive waste, requires radiation monitoring near nuclear power plants, and provides for regulation of the transportation of radioactive materials.

3. Radiologic Technology

Health & Safety Code, Div. 104, Part 9, Ch. 6, §§ 114840-114895

This chapter governs the training and certification of radiologic technologists (X-ray or mammography technicians). These sections might be better located under Division 1, with the other material relating to certification of radiologic technologists.

4. Atomic Energy Development

Health & Safety Code, Div. 104, Part 9, Ch. 7, §§ 114900-114955

This chapter requires the Secretary of the Resources Agency to act as liaison between state and federal programs in coordinating efforts to develop the production of atomic energy.

5. Radiation Control Law

Health & Safety Code, Div. 104, Part 9, Ch. 8, §§ 114960-115271.4

This chapter requires the Department of Health Services to develop plans for the management, treatment, and disposal of low-level radioactive waste and requires DHS to license and regulate sources of ionizing radiation. The chapter also includes other miscellaneous provisions relating to radioactive material disposal and control, such as the US-California agreement regarding the discontinuation of certain Atomic Energy Commission responsibilities (Article 16) and the Southwestern Low Level Radioactive Waste Disposal Compact (Article 17).

6. Nuclear Power Plant Radiation

Health & Safety Code, Div. 104, Part 9, Ch. 9, §§ 115275-115295

This chapter requires the installation of automated alarm systems in nuclear power plants. These systems must connect to the California State Warning Center of the Office of Emergency Services.

DIVISION 7. SOLID AND HAZARDOUS WASTE

1. Hazardous Waste Control Law

Health & Safety Code, Div. 20, Ch. 6.5, §§ 25100-25250.25

This chapter provides for regulation, by the Department of Toxic Substances Control, of the transportation and disposal of hazardous waste. Among other things, the chapter requires the development of county hazardous waste plans, requires the development of a hazardous waste classification system, provides for regulation of disposal facilities, restricts underground injection of hazardous waste, establishes a manifest and inspection system for the monitoring of hazardous waste transportation, and regulates the treatment and recycling of hazardous waste.

2. Garbage and On-Site Sewage Disposal

Health & Safety Code, Div. 104, Part 13, Ch. 4, Art. 1, §§ 117400-117450 (septic tanks)

This article provides for local regulation of the cleaning of septic tanks.

Health & Safety Code, Div. 104, Part 13, Ch. 4, Art. 6, §§117550-117560 (prohibition on public disposal)

This article prohibits dumping garbage in public places. Note that Section 117530, which was moved to the Water Resources Division, makes violation of this article a misdemeanor.

Health & Safety Code, Div. 104, Part 13, Ch. 4, Art. 7, §§117575-117590 (authority of Department of Health Services)

This article establishes the Department of Health Services' authority over certain aspects of solid waste handling and disposal.

3. Medical Waste

Health & Safety Code, Div. 104, Part 14, §§ 117600-118360

This part provides for regulation, by the Department of Health Services, of medical waste, medical waste generators, and medical waste treatment facilities.

4. Recycling

The following sections contain provisions to encourage recycling of various materials

Pub. Res. Code, Div. 3, Ch. 1, Art. 9, §§ 3460-3494 (used oil)

Pub. Res. Code, Div. 12.1, §§ 14500-14595 (beverage containers)

Pub. Res. Code, Div. 12.2, §§ 15000-15024 (dry cell batteries)

Pub. Res. Code, Div. 12.7, §§ 18000-18017 (plastic containers)

Pub. Res. Code, Div. 12.9, §§ 19500-19535 (recycled glass content of fiberglass)

Pub. Res. Code, Div. 33, §§ 70000-70031 (glass containers)

7. Integrated Waste Management Act

Pub. Res. Code, Div. 30, §§ 40000-48695

This division provides for comprehensive regulation of solid waste handling and disposal. Part 1 recognizes local regulatory authority and creates the Integrated Waste Management Board, with primary state responsibility for solid waste management. It also creates the Local Government Technical Advisory Committee to advise the Board on local solid waste issues and other matters. Part 2 governs the development of integrated waste management plans. Part 3 contains provisions encouraging recycling and other means of source reduction. Part 4 regulates the operation of solid waste disposal facilities. Part 5 governs enforcement of the act. Part 6 provides for appeal of enforcement decisions. Part 7 contains provisions relating to the disposal of household hazardous waste, financing of activities under the Act, remediation of health hazards at waste disposal sites, and oil recycling.

8. Waste Management Facilities

Pub. Res. Code, Div. 31, §§ 50000-50002

This division governs the procedure used to consider proposed new solid waste facilities or the expansion of existing facilities.

DIVISION 8. LAND USE AND CONSERVATION

1. Conservation Easements

Civ. Code, Div. 2, Part 2, Title 2, Ch. 4, §§ 815-816

This chapter establishes a special class of easements for the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition.

2. Open Space Easements

Gov't Code, Title 5, Div. 1, Part 1, Chs. 6.5-6.6, §§ 51050-51097

These chapters govern the granting of an open space easement to a city or county.

3. Agricultural Lands

Gov't Code, Title 5, Div. 1, Part 1, Ch. 7, §§ 51200-51295 (Williamson Act)

This chapter establishes a program of tax incentives to encourage the preservation of prime agricultural land. Qualifying owners of prime agricultural land who agree to limit the use of their land to agricultural use for a fixed period of time receive a reduction in property taxes for that land.

Pub. Res. Code, Div. 10.2, §§ 10200-12159 (agricultural conservation easements)

This Division establishes a program for the acquisition, by local governments and nonprofits, of agricultural conservation easements. Grants are also available for certain improvements to lands burdened with agricultural conservation easements. [Note: It appears that Section 12159, was inadvertently placed in the Public Resources Code, rather than in the Public Contract Code, as intended.]

4. Tahoe Regional Planning Compacts

Gov't Code, Title 7.4-7.5, §§ 66800-67132

These titles set out and provide for the implementation of certain interstate agreements regarding the use and conservation of natural resources in the Lake Tahoe region. Title 7.4 sets out the provisions of the Tahoe Regional Planning Compact. The compact creates the Tahoe Regional Planning Agency, with responsibility for developing a series of regional plans governing land use, transportation, conservation of scenic and other natural resources, recreation, and public services and facilities. Title 7.41 sets out the provisions of the Tahoe Conservancy Agency Compact. The compact creates the Tahoe Conservancy Agency, with the power to acquire and hold property to further the ends of the plans adopted by the Tahoe Regional Planning Agency. Title 7.42 creates the California Tahoe Conservancy, with the power to acquire, hold, and manage lands. Title 7.43 authorizes the sale of bonds to finance the acquisition of undeveloped lands in order to preserve their natural state or to provide public recreational access. Title 7.5 creates the California Tahoe Regional Planning Agency, with authority to implement the plans developed by the Tahoe Regional Planning Agency.

5. Resource Conservation

Pub. Res. Code, Div. 9, §§ 9001-9978

This division creates the Department of Conservation and the State Resource Conservation Commission, and provides for the creation of local resource conservation districts. These entities are responsible for promoting and conducting a range of projects to conserve soil and water resources.

DIVISION 9. COASTAL, ESTUARY, AND RIPARIAN MANAGEMENT

1. Coastal Sanctuary Act

Pub. Res. Code, Div. 6, Part 1, Ch. 3.4, §§ 6240-6244

This chapter creates a marine sanctuary, with limitations on oil and gas extraction within the sanctuary.

2. SF Bay Conservation and Development

Gov't Code, Title 7.2, §§ 66600-66682

This title creates the San Francisco Bay Conservation and Development Commission (BCDC), with responsibility for protecting the bay from the adverse effects of pollution, development, and infilling. BCDC maintains and implements an overall plan for the bay's protection and requires a permit before any person or government agency may dredge, fill, or make a substantial change to the use of land, water, or structures, within BCDC's jurisdiction.

3. Safe Recreational Uses of Beaches and Ocean Waters

Health & Safety Code, Div. 104, Part 10, Art. 6, Ch. 5, §§ 116070-116090

This chapter provides for the establishment and enforcement of sanitation standards for public beaches.

4. Morro Bay Management Plan

Pub. Res. Code, Div. 18, §§ 28000-28007

This division provides for the development and implementation of a plan to preserve and enhance the health of Morro Bay and its watershed.

5. Suisun Marsh Preservation

Pub. Res. Code, Div. 19, §§ 29000-29612

This division provides for the implementation, by local agencies and BCDC, of the Suisun Marsh Protection Plan, which provides for the long-range use and conservation of the marsh's natural resources.

6. Delta Protection Act

Pub. Res. Code, Div. 19.5, §§ 29700-29780

This division creates the Delta Protection Commission, and charges it with the development and implementation of a plan to manage the resources of the Sacramento-San Joaquin Delta.

7. California Coastal Act

Pub. Res. Code, Div. 20, §§ 30000-30900

This division provides for the preservation and enhancement of the state's natural and scenic coastal resources. Chapter 2.5 defines the "coastal zone" that is subject to the Act. Chapter 3 establishes a number of specific policies regarding the preservation and use of coastal resources. Chapter 4 creates the California Coastal Commission as the principal coastal zone planning and management agency, with authority to act for the state under the Federal Coastal Zone Management Act of 1972. Chapter 5 states the responsibilities of other state agencies under the Act. Chapter 6 provides for the development of local coastal programs, as approved by the Coastal Commission. Chapter 7 imposes certain controls on development within the coastal zone, including the requirement that a person obtain a coastal development permit, in addition to any other required permit, before proceeding with a planned development within the coastal zone. Chapter 8 establishes certain policies relating to ports.

8. Coastal Conservancy

Pub. Res. Code, Div. 21, §§ 31000-31405

This division creates the State Coastal Conservancy, with responsibility for implementing a program of agricultural protection, area restoration, and resource enhancement in the coastal zone. The Conservancy may itself acquire, reserve, and improve land to this end, or grant money to local agencies and nonprofits to do so. The Conservancy also administers some aspects of the program for the restoration of urban waterfronts.

9. Urban Waterfront Area Restoration Financing Authority

Pub. Res. Code, Div. 22, §§ 32000-32208

This division creates the Urban Waterfront Area Restoration Financing Authority. This body has certain financial responsibilities, including the raising of revenue through the sale of bonds, relating to the Urban Waterfront Area Restoration program.

10. Coastal Resources and Energy Assistance

Pub. Res. Code, Div. 25, §§ 35000-35034

This division provides for financial assistance to coastal cities and counties to assist them with programs relating to protecting coastal resources from the deleterious effects of offshore energy development. Funds may also be used for more general purposes relating to the protection and enhancement of coastal resources.

11. Ocean Resources Management

Pub. Res. Code, Div. 27, §§ 36000-36500

This division creates the Ocean Resources Task Force to prepare a report summarizing available ocean resources, discussing the various entities having jurisdiction over different segments of coastal waters, and recommending a long-term plan for the conservation and use of coastal resources. [Note: The Task Force was scheduled to be abolished on submission of its report, which was due in 1994.]

12. Wetlands Preservation

Pub. Res. Code, Div. 5, Ch. 7, §§ 5810-5818 (identification and acquisition)

This chapter establishes a program for the preservation of wetlands. Under this program, the Departments of Fish and Game and of Parks and Recreation shall study which wetlands are at risk of irreversible degradation. The departments may protect these vulnerable wetlands by acquiring a property interest in them (other than fee ownership), in order to manage or limit their development and preserve public access.

Fish & Game Code, Div. 2, Ch. 4.3, §§ 1400-1431 (acquisition)

This chapter creates the Inland Wetlands Conservation Program. This program authorizes the acquisition of wetlands and former wetlands, by the Wildlife Conservation Board, for the preservation or restoration of wetlands.

Fish & Game Code, Div. 2, Ch. 7.8, §§ 1775-1796 (wetlands mitigation bank)

This chapter provides for the conservation of total acreage of wetlands and the creation of large wetland areas in the Sacramento-San Joaquin Valley through the establishment of a wetland mitigation bank program. This program assigns transferable "mitigation credits" to a person or public entity that creates and perpetually maintains wetlands meeting certain criteria. These credits may then be used to offset the loss of equivalent wetland resources elsewhere within the program area.

13. Wild and Scenic Rivers

Pub. Res. Code, Div. 5, Ch. 1.4, §§ 5093.50-5093.70

This chapter provides for the preservation of the free-flowing state of rivers that possess extraordinary scenic, recreational, fishery, or wildlife values.

DIVISION 10. WILDLIFE

The first draft of this outline organized the contents of this division according to the Fish and Game Code's existing numbering system. This revised draft is partially reorganized to group provisions according to their substance. Annotations indicate further organizational changes that may be appropriate.

1. General Provisions

Fish & Game Code §§ 1-89 (general provisions)

These sections contain a number of provisions, including definitions, that apply generally to the Fish and Game Code.

Fish & Game Code, Div. 1, §§ 100-500 (Fish and Game Commission)

This division creates the Fish and Game Commission and specifies its organization and certain of its powers and responsibilities (relating primarily to the regulation of noncommercial hunting of wild animals).

Fish & Game Code, Div. 2, Chs. 1-3, §§ 700-1206 (Department of Fish and Game)

These chapters create the Department of Fish and Game and specify its organization and certain of its powers and responsibilities (relating primarily to the enforcement of fish and game laws, including licensing and the power to make arrests). Chapter 3 also contains some provisions relating to fish hatcheries.

Fish & Game Code, Div. 8, §§ 11000-11039 (districts)

This division divides the state into districts for the administration of fish and game laws.

Fish & Game Code, Div. 9, §§ 12000-12300 (enforcement)

This division specifies the penalties for violations of various provisions of the Code, other enforcement related provisions, and an exemption of California Indians from enforcement in certain circumstances.

Fish & Game Code, Divs. 10 & 10.5, §§ 13000-13231 (finances)

These divisions govern general revenue and accounting matters relating to state and county fish and game programs.

2. Habitat Conservation and Management

Fish & Game Code, Div. 2, Ch. 8, §§ 1800-1802 (policy regarding wildlife)

This chapter is a declaration of the state's policy to encourage the conservation and maintenance of wildlife resources.

Fish & Game Code, Div. 2, Ch. 4, §§ 1300-1375 (study)

This chapter creates the Wildlife Conservation Board to study which lands should be acquired by the state in order to increase wildlife and related recreational opportunities.

Fish & Game Code, Div. 2, Ch. 4.1, §§ 1385-1391 (acquisition of riparian habitat)

This chapter creates a program to acquire appropriate interests in property in order to preserve riparian habitat.

Fish & Game Code, Div. 2, Ch. 5, §§ 1500-1585 (acquisition and management of habitat)

This chapter contains a number of provisions relating to the acquisition and management of wildlife habitat lands. Article 1 provides for consolidation and improvement of lands within specified wildlife areas, wildlife feeding when natural food sources are exhausted, and management of certain fish spawning areas in state owned lands. Article 2 provides for the acquisition of land to establish wildlife habitat and hunting areas. Article 3 provides for the regulation of privately owned cooperative hunting lands. Article 4 provides for the acquisition of land to establish ecological reserves to protect endangered native plant and animal life.

Fish & Game Code, Div. 2, Ch. 6, §§ 1600-1607 (projects affecting riparian wildlife)

This chapter requires that any person or public agency notify the Department of Fish and Game before proceeding with any project that will substantially affect the flow, course, banks, or beds of rivers, streams, or lakes designated by the department. The department will then study the project and recommend changes to mitigate deleterious effects on fish and wildlife. If the person or agency declines to accept the department's recommendation, the matter is decided through arbitration.

Fish & Game Code, Div. 2, Ch. 7, §§ 1700-1701 (policy regarding aquatic resources)

This chapter establishes state policy regarding the conservation of aquatic resources and directs the Department of Fish and Game to study the status of marine fisheries.

Fish & Game Code, Div. 2, Ch. 7.5, §§ 1750-1772 (funding)

This chapter creates the Endangered and Rare Fish, Wildlife and Plant Species Conservation and Enhancement Account and provides various mechanisms for funding that account. The funds from this account are available for specified wildlife management and recreational programs.

Fish & Game Code, Div. 2, Ch. 12, §§ 1930-1933 (identification of significant natural areas)

This chapter establishes a program to identify and preserve “significant natural areas.” The means to preserve such areas may include acquisition of property interests.

Fish & Game Code, Div. 3, Chs. 7, 7.5, 8 & 9, §§ 2600-2799.6 (acquisition and management of habitat)

These chapters establish programs for the acquisition, enhancement, and development of wildlife habitat, fisheries, and other natural areas.

Fish & Game Code, Div. 3, Ch. 10, §§ 2800-2840 (Natural Community Conservation Plans)

This chapter provides for the development of Natural Community Conservation Plans, to coordinate regional economic development with the conservation of the region’s wildlife.

Fish & Game Code, Div. 3, Ch. 11, §§ 2900-2901 (funding)

This chapter provides for the creation of assessment districts to fund local government habitat conservation programs.

Fish & Game Code, Div. 7, §§ 10500-10932 (wildlife refuges)

This division provides for the creation and regulation of wildlife refuges.

Pub. Res. Code, Div. 10, §§ 10000-10005 (streamflow requirements)

This division authorizes the Department of Fish and Game to study minimum streamflow required to maintain fish and wildlife resources in specific streams, and to propose minimum streamflow requirements to the State Water Resources Control Board.

3. Restrictions on Transportation, Sale, and Possession of Wildlife

Fish & Game Code, Div. 3, Chs. 2-4, 6, §§ 2116-2401, 2575-2576 (restrictions)

These chapters contain a number of restrictions on the importation, transportation, and possession of wild plants and animals, both living and dead.

Fish & Game Code, Div. 3, Ch. 6.5, §§ 2580-2589 (penalties)

This chapter provides for civil penalties where a person unlawfully exports, imports, transports, sells, or possesses wild plants or animals.

4. Protected Species

Fish & Game Code, Div. 2, Ch. 10, §§ 1900-1913 (native plants)

This chapter provides for the designation and protection of endangered native plant species.

Fish & Game Code, Div. 2, Ch. 11, §§ 1925-1926 (desert native plants)

This chapter establishes the Department of Fish and Game’s responsibility for enforcement of the California Desert Native Plants Act (see next item).

Food & Agric. Code, Div. 23, §§ 80001-80201 (California Desert Native Plants Act)

This division, the California Desert Native Plants Act, regulates the harvesting of certain native desert plants.

Fish & Game Code, Div. 3, Ch. 1.5, §§ 2050-2116 (Endangered Species Act)

This chapter requires that the Fish and Game Commission prepare and maintain a list of threatened and endangered native animal species and provides certain protections for those species and their habitats. These protections include restrictions on development projects that would jeopardize listed species or their habitats and prohibitions on transporting, selling, and possessing listed species.

Fish & Game Code, Div. 5, §§ 5000-5062 (reptiles and amphibians)

This division prohibits the taking of specified reptiles and amphibians, and authorizes the Fish and Game Commission to regulate commercial use of native reptiles.

5. Hunting Generally

Fish & Game Code, Div. 3, Ch. 1, §§ 2000-2020 (hunting regulation and other miscellany)

This chapter contains a number of provisions regulating hunting generally. The chapter also includes sections which may be more appropriately located elsewhere (e.g., provisions for volunteer rehabilitation of lake fisheries, restrictions on the possession of dead wild animals).

Fish & Game Code, Div. 3, Ch. 5, §§ 2535-2546 (hunting guides)

This chapter regulates persons acting as professional hunting and fishing guides.

6. Birds and Mammals

Fish & Game Code, Div. 4, Part 1 §§ 3000-3467 (regulation of hunting and other miscellany)

This part purports to contain provisions that are generally applicable to both birds and mammals. In fact, it contains: (1) provisions applicable to both birds and mammals — these may be better characterized as general hunting provisions and aggregated with the other provisions governing hunting generally (e.g., restrictions on the types of weapons that can be used to hunt birds and mammals); (2) provisions that relate only to birds or mammals, but not both — these should probably be aggregated with the other sections that apply only to birds or mammals, but not both (e.g., prohibition on using a metal-jawed trap to capture a bear); (3) provisions restricting transfer, sale, and possession of certain animals — these might be better aggregated with the other sections restricting transfer, sale and possession of wild animals (e.g., possession of nondomestic cats); and (4) provisions relating to wildlife habitat conservation and management — these might be better aggregated with the sections governing wildlife habitat conservation and management (e.g., the California Waterfowl Habitat Program).

Fish & Game Code, Div. 4, Part 2 §§ 3500-3857 (birds)

This part contains general provisions governing the hunting of game birds, restrictions on the hunting of nongame birds and provisions protecting the California Condor. It may be appropriate to aggregate the Condor protection provisions with other sections providing for the protection of endangered native animals.

Fish & Game Code, Div. 4, Part 3 §§ 3950-4905 (mammals)

This part provides for the hunting and protection of wild mammals. Chapter 8 enumerates those native wild mammals that are fully protected from hunting. It may be appropriate to locate this chapter with the other provisions protecting native California animals.

7. Fish, Amphibians, Shellfish, and Aquatic Plants

Fish & Game Code, Div. 6, Part 1, Ch. 1, §§ 5500-5515 (general)

This chapter includes provisions governing fishing and the protection of certain fish species. These latter provisions may be better located with the other provisions governing protected species.

Fish & Game Code, Div. 6, Part 1, Ch. 2, Arts 2 & 2.5 §§ 5669-5702 (shellfish contamination)

These articles restrict the taking of contaminated shellfish for human consumption and regulate the purification of mollusks for human consumption.

Fish & Game Code, Div. 6, Part 1, Ch. 4, §§ 6300-6306 (aquatic life as nuisance)

This chapter governs the abatement of infected, diseased, or otherwise deleterious fish, amphibians, and water plants.

Fish & Game Code, Div. 6, Part 1, Ch. 5, §§ 6400-6600 (ocean fishery preservation)

This chapter governs fish stocking, the construction of artificial reefs, and provides for research in support of the restoration and maintenance of ocean fisheries. This chapter might be better located with the provisions relating to habitat maintenance and conservation.

Fish & Game Code, Div. 6, Part 1, Ch. 6, §§ 6650-6751 (harvest of aquatic plants)

This chapter regulates the harvest of kelp and other wild aquatic plants.

Fish & Game Code, Div. 6, Part 1, Ch. 7, §§ 6850-6896 (amphibians)

This chapter regulates the taking and use of frogs and other amphibians, and governs frog-jumping contests.

Fish & Game Code, Div. 6, Part 1, Ch. 8, §§ 6900-6924 (preservation of anadromous fish)

This chapter provides for a program to increase the number of anadromous fish spawning in state waters. The program involves habitat restoration and conservation and the chapter may be better located with the other sections providing for habitat conservation and management.

Fish & Game Code, Div. 6, Part 2, §§ 7100-7381 (sport fishing)

This part governs sport fishing and includes restrictions unique to particular varieties of fish.

Fish & Game Code, Div. 6, Part 3, §§ 7600-9055 (commercial fishing)

This part governs commercial fishing. Chapter 1 contains general provisions such as licensing and reporting requirements. Chapter 2 contains restrictions unique to particular varieties of fish and invertebrates. Chapters 3 and 4 contain restrictions on particular fishing methods.

Fish & Game Code, Div. 2, Ch. 7.2, §§ 1725-1728 (preservation of trout)

This chapter establishes a program to study and conserve wild trout populations.

Fish & Game Code, Div. 2, Ch. 7.3, §§ 1740-1743 (preservation of black bass)

This chapter establishes a program to study and conserve wild black bass populations.

Fish & Game Code, Div. 6.54, §§ 10000-10005 (sturgeon egg processors)

This division provides for the regulation of commercial sturgeon egg processing.

Fish & Game Code, Div. 11, §§ 14000-14105 (Pacific Marine Fisheries Compact)

This division sets out the Pacific Marine Fisheries Compact and creates the Pacific Marine Fisheries Commission, in order to better conserve and manage Pacific fishery resources.

Fish & Game Code, Div. 12, §§ 15000-15908 (Aquaculture)

This division regulates the business of aquaculture. It contains, among other things, provisions for the leasing of state water bottoms, management of diseased stock, and the importation of aquatic plants and animals.

Fish & Game Code, Divs. 13 & 13.5, §§ 16000-16541 (tribal agreements)

These divisions provide for the development of state-tribal agreements regulating Indian fishing practices. Division 13.5 governs a specific agreement between the state and the Klamath River Indian Tribes.

DIVISION 11. RESOURCE DEVELOPMENT AND PROTECTION

1. Department of Conservation

Pub. Res. Code, Div. 1, Ch. 2, §§ 600-690

This chapter creates the Department of Conservation and specifies its organization and certain of its powers and responsibilities.

2. Forestry and Range Management

Pub. Res. Code, Div. 1, Ch. 2.5 §§ 700-783 (Department of Forestry and Fire Protection)

This chapter creates the Department of Forestry and Fire Protection and specifies its organization and certain of its powers and responsibilities. Article 3 provides for the certification of professional foresters and may be better located with the other sections governing the certification of environmental professions.

Pub. Res. Code, Div. 4, Part 1, §§ 4001-4031 (general provisions)

This part contains general provisions applicable to Division 4.

Pub. Res. Code, Div. 4, Part 2, Chs. 1-7, §§ 4101-4491 (wildfire prevention and control)

These chapters contain a number of provisions relating to wildfire prevention and control.

Pub. Res. Code, Div. 4, Part 2, Ch. 8, §§ 4511-4621 (Forest Practices Act)

This chapter regulates forestry practices in order to restore, enhance, and maintain timber resources, while also providing for nonextractive uses of timberlands.

Pub. Res. Code, Div. 4, Part 2, Ch. 9, §§ 4631-4664 (state forest lands)

This chapter provides for the acquisition and management of state forest lands. State forest lands are used for reforestation, timber management demonstration projects, and as multiple use areas (mixed timber harvesting and recreational uses).

Pub. Res. Code, Div. 4, Part 2, Ch. 10, §§ 4671-4741 (conservation of forest lands)

This chapter contains a number of provisions relating to the protection and maintenance of forest lands, including provisions for the rehabilitation of watersheds, the operation of state tree nurseries, reforestation programs, control of deleterious forest insects and diseases, and the protection of particularly large sequoias.

Pub. Res. Code, Div. 4, Part 2, Ch. 11, §§ 4781-4788 (range lands)

This chapter provides for the conservation and management of lands useful for range or forage for domestic livestock and wildlife.

Pub. Res. Code, Div. 4, Part 2, Ch. 12, §§ 4789-4789.7 (study of forest resources)

This chapter requires the assessment and analysis of forest resources in the state.

Pub. Res. Code, Div. 4, Part 2.5, §§ 4790-4805 (improvement of forest resources)

This part provides for programs to improve existing forest resources, including urban forest resources.

Pub. Res. Code, Div. 4, Part 3 §§ 4851-4879 (floating logs and lumber)

This part contains provisions regulating the floating of logs and lumber.

Pub. Res. Code, Div. 4, Part 4 §§ 4951-4958 (training of inmates and wards)

This part provides for the training of inmates and wards to assist in public resource conservation efforts.

Gov't Code, Title 5, Div. 1, Part 1, Ch. 6.7, §§ 51100-51155 (incentives to preserve timberlands)

This chapter establishes a program of zoning and tax incentives to encourage the continued production of timber on existing timberlands. The program is similar to the Williamson Act and should perhaps be moved to Division 8 (Land Use and Conservation).

3. Mining

Pub. Res. Code, Div. 2, Ch. 1, §§ 2001-2010 (general provisions)

This chapter contains definitions applicable to the division generally.

Pub. Res. Code, Div. 2, Ch. 2, §§ 2200-2211 (Division of Mines and Geology)

This chapter describes certain aspects of the organization, powers, and responsibilities of the Division of Mines and Geology.

Pub. Res. Code, Div. 2, Ch. 7.6, §§ 2650 (policy regarding mining and minerals)

This chapter declares state policy with regard to mining and mineral resources.

Pub. Res. Code, Div. 2, Ch. 9, §§ 2710-2796 (surface mining and reclamation)

This chapter regulates surface mining and requires the reclamation of surface-mined lands.

Pub. Res. Code, Div. 2, Chs. 7.5, 7.8, 8, 10-12, §§ 2621-2624, 2690-2709.1, 2800-2815 (earthquake hazards)

These chapters relate to the identification and mitigation of earthquake hazards. It is questionable whether laws relating to earthquakes are environmental laws, and if so, where in this outline they should be located.

4. Oil and Gas

Pub. Res. Code, Div. 3, Ch. 1, Arts. 1-8, §§ 3000-3451 (extraction and conservation)

These articles contains a range of provisions governing the extraction and conservation of oil and gas.

Pub. Res. Code, Div. 3, Ch. 2, §§ 3500-3503 (waste of gas)

This chapter prohibits the wasteful release of natural gas into the atmosphere.

Pub. Res. Code, Div. 3, Ch. 3, §§ 3600-3609 (well spacing)

This chapter establishes minimum setback requirements for oil and gas wells.

Pub. Res. Code, Div. 3, Ch. 3.5, §§ 3630-3690 (consolidation of drilling units)

This chapter permits the consolidation of certain drilling operations in order to reduce waste.

Pub. Res. Code, Div. 3, Ch. 5, §§ 3780-3787 (abatement of oil sump hazards to wildlife)

This chapter provides for the protection of wildlife through the screening or abatement of oil sumps.

Pub. Res. Code, Div. 3, Ch. 7, §§ 3850-3865 (methane gas hazards)

This chapter creates a program for the reduction of hazards resulting from methane gas accumulations.

5. Geothermal

Pub. Res. Code, Div. 3, Chs. 4 & 6, §§ 3700-3776, 3800-3827

These chapters govern efforts to discover and develop geothermal sources of energy. If the Commission recommends the creation of an Energy Code, these chapters might be better located in that code.

DIVISION 12. PARKS, WILDERNESS, AND PUBLIC LANDS

1. Department of Parks and Recreation

Pub. Res. Code, Div. 1, Ch. 1, §§ 500-563

This chapter creates the Department of Parks and Recreation, and describes its organization and certain of its responsibilities. Article 3 of the chapter provides for participation of the department in the repair of the seawall at Pismo Beach.

2. Parks and Monuments

The Parks and Monuments provisions are set out in some detail, in order to illustrate the range of topics covered. Many of these are clearly environmental in their emphasis. For example, Chapter 1.3 provides for the designation of wilderness areas. However, it is questionable whether provisions relating to such things as historic landmarks, museums, art galleries, archaeological sites, and playground equipment should be characterized as environmental laws.

Pub. Res. Code, Div. 5, Chs. 1 & 1.2, §§ 5001-5077.8, 5080.01-5080.40 (State Parks)

These chapters govern the creation and operation of the state park system, and contain a number of provisions applicable to specific parks.

Pub. Res. Code, Div. 5, Ch. 1.1, §§ 5078-5078.6 (State Heritage Network)

This chapter creates the State Heritage Network to protect and provide access to natural and cultural resources within designated areas.

Pub. Res. Code, Div. 5, Ch. 1.25, §§ 5090.01-5090.64 (off-road vehicle recreation)

This chapter governs and provides for off-road motor vehicle recreation areas.

Pub. Res. Code, Div. 5, Ch. 1.27, §§ 5091.01-5091.27 (Sno-Park program)

This chapter establishes the California Sno-Park Permit Program, to facilitate access to snow recreation areas.

Pub. Res. Code, Div. 5, Ch. 1.3, §§ 5093.30-5093.40 (wilderness areas)

This chapter establishes a system for the designation and preservation of wilderness areas.

Pub. Res. Code, Div. 5, Chs. 1.6, 1.67, 1.68, 1.69, 1.691 & 1.692, §§ 5096.1-5096.391 (funding for acquisition and maintenance of parklands)

These chapters provide funding for the acquisition of state parklands and facilities.

Pub. Res. Code, Div. 5, Ch. 1.7, §§ 5097-5097.6 (protection of archeological and paleontological resources)

This chapter provides for the assessment of the effect of state public works projects on archaeological or paleontological resources on state lands and prohibits the unauthorized destruction or removal of such resources.

Pub. Res. Code, Div. 5, Ch. 1.75, §§ 5097.9-5097.991 (Native American Heritage Commission)

This chapter creates the Native American Heritage Commission to implement certain protections of Native American historic, cultural, and sacred sites on public lands. The chapter also prohibits the unlawful removal of Native American artifacts or human remains.

Pub. Res. Code, Div. 5, Chs. 1.8 & 1.9, §§ 5098-5099.12 (land and water conservation funding)

These chapters relate to the administration of funds received under the federal Land and Water Conservation Fund Act of 1965.

Pub. Res. Code, Div. 5, Ch. 2, §§ 5101-5380 (local parks and cultural sites)

This chapter governs the acquisition and management of city and county monuments, museums, historical property, art galleries, theatrical schools, parks and boulevards.

Pub. Res. Code, Div. 5, Ch. 2.5, §§ 5400-5409 (preservation of existing parks)

This chapter prohibits the development of lands that are currently being used as public parkland for nonpark purposes unless an adequate substitute park is created.

Pub. Res. Code, Div. 5, Ch. 2.6, §§ 5410-5411 (playground equipment standards)

This chapter regulates playground equipment.

Pub. Res. Code, Div. 5, Ch. 3, §§ 5500-5595 (Regional Parks)

This chapter provides for the creation of regional park and open space areas.

Pub. Res. Code, Div. 5, Ch. 3.1, § 5600 (dedication of Puentes Hills landfill)

This chapter requires that a portion of Puentes Hills landfill be dedicated as open space and parkland.

Pub. Res. Code, Div. 5, Ch. 3.2, §§ 5620-5632 (urban parks)

This chapter provides funding for the development of parks in urban areas.

Pub. Res. Code, Div. 5, Ch. 3.5, §§ 5670-5686 (urban fishing)

This chapter provides funding for the development of fishing programs in urban waterways and lakes.

Pub. Res. Code, Div. 5, Ch. 3.7, §§ 5700-5738 (local park funding)

This chapter provides funding for the development of a broad range of local park facilities.

Pub. Res. Code, Div. 5, Chs. 4 & 5, §§ 5780-5791 (park districts)

These chapters provide for the creation, organization and operation of recreation and park districts, with or without eminent domain powers.

Pub. Res. Code, Div. 5, Ch. 6, §§ 5800-5804 (preservation of watershed protection lands)

This chapter limits a city or county's power to sell or exchange land acquired for watershed protection purposes.

Pub. Res. Code, Div. 5, Ch. 8, §§ 5820-5829 (Mendocino Woodlands Outdoor Center)

This chapter incorporates the Mendocino Woodlands Outdoor Center into the state park services as an outdoor education center.

Pub. Res. Code, Div. 5, Chs. 9 & 10, §§ 5830-5843 (American River Parkway)

These chapters provide for the preservation of certain scenic, recreational, and wildlife resources in the American River area.

Pub. Res. Code, Div. 5, Ch. 11, §§ 5850-5851 (Bay Trail)

This chapter requires the Association of Bay Area Governments to develop plans for the creation of a continuous bicycling and hiking trail around the perimeter of San Francisco and San Pablo Bays.

Pub. Res. Code, Div. 5.8, §§ 5900-5938 (funding for parkland acquisition)

This division provides funding for the acquisition of interests in land to expand existing parklands and conserve open space.

Pub. Res. Code, Div. 7.5, §§ 8650-8655 (limits on highway development)

This division limits further highway development in the areas designated as Arroyo Seco parklands.

Pub. Res. Code, Div. 14, §§ 22000-22080 (planning for conservation of open space in Ventura-Los Angeles area)

This division creates a commission to study and make recommendations relating to the balanced development of open space in the Ventura-Los Angeles Mountain and Coastal area. [Note: It appears that this commission was abolished by operation of Section 22055 in 1972.]

3. Conservancy Districts

These divisions provide for the creation of various state Conservancy Districts. These entities are charged with acquiring and managing lands within prescribed areas, in such a way as to accommodate public access and the preservation of natural resources.

Pub. Res. Code, Div. 22.5, §§ 32500-32538 (San Joaquin River Conservancy)

Pub. Res. Code, Div. 23, §§ 33000-33216 (Santa Monica Mountains Conservancy)

Pub. Res. Code, Div. 23.5, §§ 33500-33805 (Coachella Valley Mountains Conservancy)

4. State Lands

Pub. Res. Code, Div. 6, Parts 1-3 (except Part 1, Ch. 3.4, moved elsewhere), §§ 6001-8106 (State Lands Commission)

These parts create the State Lands Commission, with responsibility for the administration, leasing, and sale of state lands. The division includes substantive restrictions on the uses of state lands.

Pub. Res. Code, Div. 7, §§ 8600-8633 (Kapiloff Land Bank)

This division creates a program, the Kapiloff land bank, authorizing the acquisition of interests in wetlands and in other coastal, tidal, and riparian lands. Such acquisition can play a part in settling disputes over whether particular lands are subject to public trust restrictions on their use and can be a component of any required mitigation of environmental harms. This division may be better located with other provisions relating to coastal and riparian resources.

Pub. Res. Code, Div. 7.7, §§ 8700-8716 (school bank lands)

This division governs the use and disposition of federal lands granted for the support of the state's public schools. Additional lands may be acquired and granted this status.

5. Federal Lands and Facilities

Pub. Res. Code, Div. 6, Part 4, §§ 8301-8558 (transfers to federal government and grazing)

This part provides for the transfer of state and county land to the federal government under certain circumstances, and regulates grazing on federal lands within the state.

Pub. Res. Code, Div. 5, Ch. 1.5, §§ 5094-5094.5 (coordination of state-federal planning)

This chapter provides for state participation in the development of recreation uses at federal water projects.

DIVISION 13. NOISE POLLUTION

1. Noise Pollution

Health & Safety Code, Div. 28, §§ 46000-46080

This division creates the Office of Noise Control, with responsibility for the development of a program of noise control. This program includes the study of the health effects of noise, the development of standards for human exposure to noise, and the coordination of local, state, and federal efforts to control noise.